

10/525,191
13 Apr 06

0321.66867

PATENT APPLICATION

PATENT MAINTENANCE
DIVISION

2006 APR 13 PM 3:51

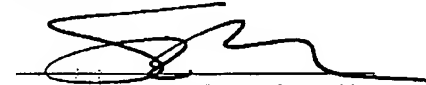
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

US PATENT & TRADEMARK
OFFICE

In Re U.S. Patent Application of:)
Applicant(s): David R. Smith et al.)
Serial No.: 10/525,191)
Filed: August 29, 2002)
For: INDEFINITE MATERIALS)
Art Unit: 2918)

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

4/10/06
Date


Attorney for Applicant(s)
Registration No. 35132

REQUEST FOR A REFUND TO DEPOSIT ACCOUNT 07-2069

Mail Stop 16
Director of the US Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22213-1450

Sir:

On February 22, 2005, Applicants submitted an application, including the fee calculations. At this time, applicants paid the search fee of \$50 under 1.149(b)(2), which is the fee set forth when the search fee has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority. The application was submitted with a check for \$700, which covers this fee. A copy of this check and fee transmittal are enclosed. The Notification Concerning Payment of Prescribed Fees mailed by the Office on October 10, 2003 shows that the correct amount for the search fee was paid for the U.S. to be the International Searching Authority. A copy of this Notification is enclosed. Therefore, the applicants were correct in using 1.149(b)(2) for calculating the search fee in the February 22, 2005 application.

On August 23, 2005, a charge of \$200 was made to the above-referenced deposit account. The fee code corresponds to 1.492(b)(4), the fee for the National Stage Search Fee in all other situations. The \$200 charge is the difference between the fee under 1.492(b)(4) and the fee paid for under 1.492(b)(2). Applicants therefore believe the charge was improper because the applicants were correct in using 1.492(b)(2) to calculate the search fee.

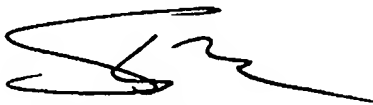
Applicants respectfully request a refund in the **total amount of \$200.00**. We request that \$200.00 be credited to Deposit Account No. 07-2069.

Should there be any questions regarding this Request for a Refund, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Steven P. Fallon
Reg. No. 35,132

April 10, 2006

300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
Telephone: 312.360.0080
Facsimile: 312.360.9315
K:\RobE\DepAcct\Refnd_Req_66867.doc

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

NOTIFICATION CONCERNING PAYMENT OF PRESCRIBED FEES

(PCT Rules 14, 15 and 16 and Administrative
Instructions, Sections 102bis(c), 304(a) and (b),
323(b), 707(b) and 803)

To: STEVEN P. FALLON GREER, BURNS & CRAIN, LTD. 300 S. WACKER DRIVE - SUITE 2500 CHICAGO, ILLINOIS 60606		Date of mailing <i>(day/month/year)</i> <div style="text-align: right;">10 OCT 2003</div>
Applicant's or agent's file reference <div style="text-align: center;">0321.66867PC</div>		PAYMENT DUE <div style="text-align: center;">see item 3 for time limits</div>
International application No. <div style="text-align: center;">PCT/US03/27194</div>	International filing date/Date of receipt <i>(day/month/year)</i> <div style="text-align: center;">29 Aug 2003</div>	Priority date <i>(day/month/year)</i> <div style="text-align: center;">29 Aug 2002</div>
Applicant <div style="text-align: center;">THE REGENTS OF THE UNIVERSITY OF CALIFORNIA</div>		

1. The applicant is hereby notified that this receiving Office has received:

- ☒ the payment of all the prescribed fees, and
 ☐ an overpayment, which will be refunded in due course.
☐ no or insufficient payment of the prescribed fees and the applicant is hereby invited to pay the balance due, as summarized under item 2, within the time limit(s) indicated under item 3.

2. Fees and payment calculation:

2,088.00	2,088.00	0.00
Total fees payable	Amount paid	Balance

- ☐ The details of the calculation are given in the Annex.

3. Time limit(s) for payment and amount(s) payable (Rules 14.1, 15.4 and 16.1(f)):

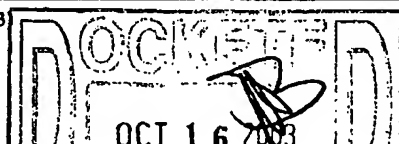
- ☐ within ONE MONTH from the date of receipt of the international application (for the transmittal fee (if any), the search fee, the basic fee and the designation fee). The amount payable for each fee is the amount applicable on the date of receipt of the international application.
☐ within ONE YEAR from the priority date (only for the designation fee and only if this time limit expires later than the above time limit).
 — If the designation fee is paid within one month from the date of receipt of the international application, the amount payable is the amount applicable on that date of receipt.
 — If the designation fee is paid within one year from the priority date but later than one month from the date of receipt of the international application, the amount payable is the amount applicable on the date of payment. The receiving Office should be consulted for the applicable amount.
☐ within 16 MONTHS from the priority date (only for the fee for priority document). The applicant's attention is drawn to the fact that the request made by the applicant under Rule 17.1(b) will be considered not to have been made unless the fee is paid within that time limit.

4. Additional observations (if necessary):

- ☐ The search copy will not be transmitted to the International Searching Authority until the search fee is paid (therefore the start of the international search will be delayed) (Rule 23.1(a) and (b)).

Name and mailing address of the receiving Office Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Authorized officer Valerie Jackson
Facsimile No. 703-305-3230	Telephone No. 703-305-3756

Form PCT/RO/102 (January 2003)



RECEIVED BY MAIL
 03 OCT 15 AM 9:25

**ANNEX TO FORM PCT/RO/102
CALCULATION OF THE PRESCRIBED FEES**

International application No.
PCT/US03/27194

T Transmittal Fee

Prescribed amount: 240.00 **T**
 Amount paid: 240.00
 Balance: = 0.00

☒ correct amount
☐ overpayment
☐ balance due

S Search Fee

Prescribed amount: 700.00 **S**
 Amount paid: 700.00
 Balance: = 0.00

☒ correct amount
☐ overpayment
☐ balance due

I International Fee

B Basic Fee

Fixed amount for first 30 sheets: 476.00 **b1**

$$\frac{11}{\text{Number of sheets in excess of 30}} \times \frac{12.00}{\text{Fee per sheet}} = 132.00 \text{ **b2**}$$

Additional component: . . . 400 x $\frac{0.00}{\text{Fee per sheet}}$ = 0.00 **b3**

Prescribed amount (b1 + b2 + b3) = 608.00 **B**

D Designation Fee

Amount of designation fee: 104.00
 Number of designation fees payable (maximum 5): x 5

Prescribed amount = 520.00 **D**

R Reduction where PCT-EASY software is used or where the international application is filed in electronic form (See the PCT Applicant's Guide, Volume I, General Part, for details on the availability of this reduction):

0 **R**

Sub-total (B+D-R): = 1,128.00 **B+D-R**

Prescribed total amount (The amount to be entered at I is the sub-total entered at (B+D-R), except where the applicant is (or all applicants are) entitled to a reduction of 75%, in which case the amount to be entered at I is 25% of the sub-total (B+D-R); certain applicants from certain States are entitled to a reduction of 75% of the international fee; see Notes to the Fee Calculation Sheet as annexed to the Request Form, PCT/RO/101, for details):

1,128.00 **I**

Amount paid: 1,128.00
 Balance: = 0.00

☒ correct amount
☐ overpayment
☐ balance due

P Fee for priority document

Prescribed amount: 20.00 **P**
 Amount paid: 20.00
 Balance: = 0.00

☒ correct amount
☐ overpayment
☐ balance due

Additional observations (if necessary):

- ☐ The amount paid for the designation fee covers the following designations: _____
☐ Other (specify): _____

In re Patent of
Smith et al.
INDEFINITE MATERIALS
...

PATENT APPLICATION

SPF:lo

0321.66867

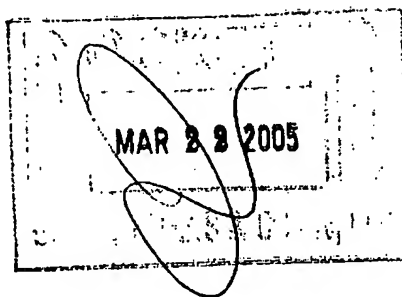
February 22, 2005

Transmittal in duplicate; check for \$700.00; Copy of published PCT application;
Unexecuted Declaration and power of attorney; Preliminary Amendment;
Drawing transmittal letter; Copies of 6 sheets formal drawings; and Certificate
of Express Mail No. EL965134292 US.

Commissioner for Patents

Please acknowledge receipt of the above-identified documents by applying the
Patent and Trademark Office receipt hereto and mailing this card.

Respectfully,
GREER, BURNS & CRAIN, LTD.



In re Patent of
Smith et al.
INDEFINITE MATERIALS
...

DT07 Rec'd PCT/PTO 22 FEB 2005

10/525191

PATENT APPLICATION

SPF:lo

0321.66867

February 22, 2005

Transmittal in duplicate; check for \$700.00; Copy of published PCT application;
Unexecuted Declaration and power of attorney; Preliminary Amendment;
Drawing transmittal letter; Copies of 6 sheets formal drawings; and Certificate
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GREER, BURNS & CRAIN, LTD.

36280

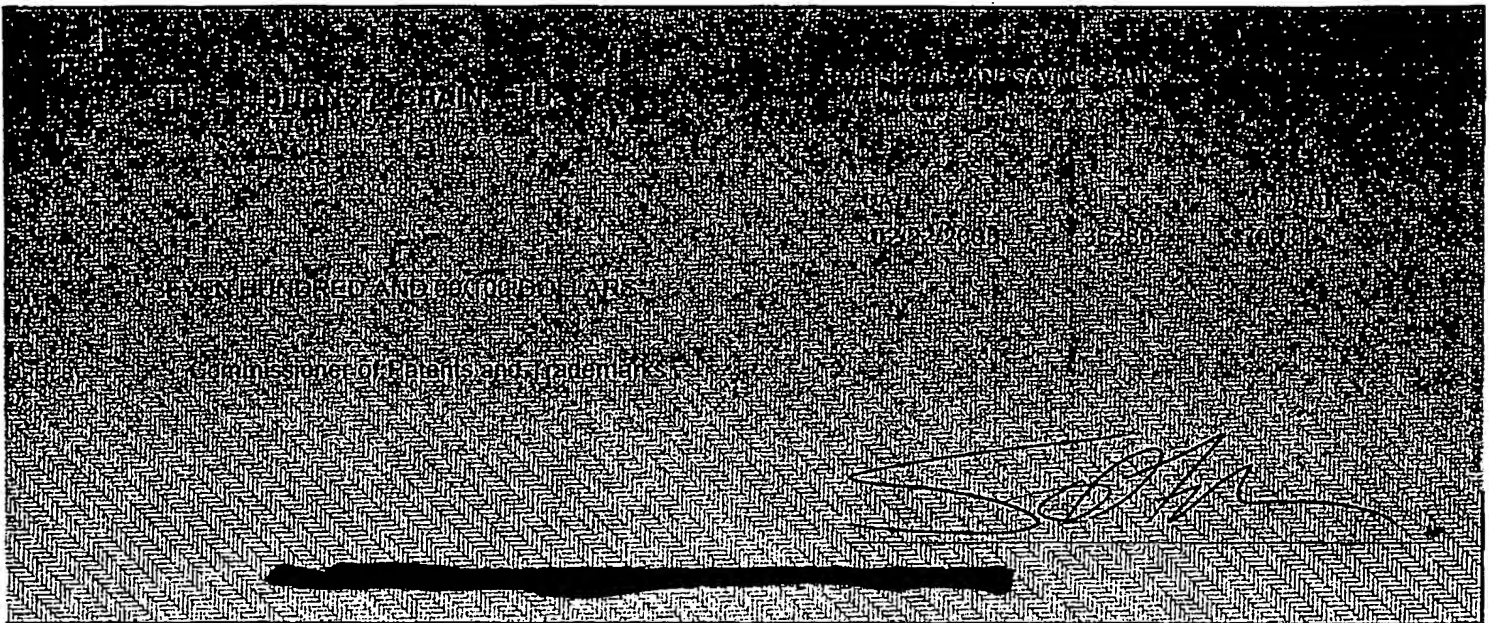
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0002 DATE	Commissioner of Patents and Trademarks DESCRIPTION	INVOICE #	AMOUNT		DEDUCTION	35/80 NET AMOUNT	
		Invoice #	Exp Code	Client #	Matter #	GL # Amount	
2/22/2005	PTO Filing Fee		306	0321	66867	11202 700.00	

CHECK DATE
02/22/2005

CONTROL NUMBER

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700.00



GREER, BURNS & CRAIN, LTD.
0002 Commissioner of Patents and Trademarks

Date Description
2/22/2005 PTO Filing Fee

Invoice #	Exp Code	Client #	Matter	GL #	Amount
	306	0321	66867	11202	700.00

36280
36280


Total this stub

700.00

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 0321.66867
INTERNATIONAL APPLICATION NO. PCT/US03/27194	INTERNATIONAL FILING DATE 29 Aug 2003	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) PRIORITY DATE CLAIMED 29 Aug 2002
TITLE OF INVENTION INDEFINITE MATERIALS		
APPLICANT(S) FOR DO/EO/US David R. Smith and David Schurig		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (informal) 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Copies of 6 sheets formal drawings. 		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain a patent from the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11. I hereby certify that this paper is being deposited with the United States Postal Service as EXPRESS MAIL in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date. 2/22/2005

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US03/27194		ATTORNEY'S DOCKET NUMBER 0321.66867		
The following fees have been submitted				CALCULATIONS PTO USE ONLY		
21. <input type="checkbox"/> Basic national fee..... \$300				\$ 300.00		
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200.00		
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00		
TOTAL OF 21, 22 and 23 =				\$ 600.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
- 100 =	/50 =		x \$250	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		
Total claims	36 - 20 =	16	x \$ 50	\$ 800.00		
Independent claims	3 - 3 =	0	x \$200	\$ 0		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$		
TOTAL OF ABOVE CALCULATIONS =				\$ 1400.00		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.						
SUBTOTAL =				\$ 700.00		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$		
TOTAL NATIONAL FEE =				\$		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$		
TOTAL FEES ENCLOSED =				\$ 700.00		
				Amount to be refunded:	\$	
				Amount to be charged:	\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>700.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>07-2069</u> A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>						
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Greer, Burns & Crain, Ltd. 300 South Wacker Drive, Suite 2500 Chicago, IL 60606 (312) 360-0080</p>						
				 SIGNATURE		
				Steven P. Fallon NAME		
				35,132 REGISTRATION NUMBER		

08/11 37	11170328	1324.73129	1202	\$350.00	\$11,639.98
08/11 47	10463244	0333.67492	2501	\$700.00	\$10,939.98
08/11 48	10463244	0333.67492	1504	\$300.00	\$10,639.98
08/11 1609	2357560	0130.64688	7205	\$100.00	\$10,539.98
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08/11 1741	2357561	0130.64689	7205	\$100.00	\$10,239.98
08/11 1742	2357561	0130.64689	7208	\$200.00	\$10,039.98
08/15 208	PCT/US05/27838	120168499PCT	1602	\$700.00	\$9,339.98
08/18 1	11152324	2033.72699	1051	\$130.00	\$9,209.98
08/18 5	10185481	2033.66559	1501	-\$1,300.00	\$10,509.98
08/18 7	10185481		9204	-\$100.00	\$10,609.98
08/18 565	78694738	1960.73789	7001	\$325.00	\$10,284.98
08/18 1721	78695400	1318.73795	7001	\$650.00	\$9,634.98
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08/19 9	10525900		2615	\$225.00	\$9,459.98
08/19 10	11183701	1508.70442	1081	\$250.00	\$9,209.98
08/19 36	5799467		1462	-\$270.00	\$9,479.98
08/19 38	5799467	D621	1551	\$770.00	\$8,709.98
08/19 1707	78394426	0437.73806	7003	\$100.00	\$8,609.98
08/23 10	10525191	0321.66867	2632	\$200.00	\$8,409.98
08/23 26	10955955	0212.70951	8007	\$20.00	\$8,389.98
08/23 34	10818915	0212.70951	8007	\$20.00	\$8,369.98
08/23 118	11079893	1201.72243	8007	\$120.00	\$8,249.98
08/23 364	29198371	2206.69268CN	8007	\$20.00	\$8,229.98
08/24 24	29236087	0469.73265	2312	\$45.00	\$8,184.98
08/24 71	60611906	1201.72243	8007	\$120.00	\$8,064.98
08/25 35	PCT/US05/27838	120168499PCT	8007	\$20.00	\$8,044.98
08/25 1711	78304075	0915.68371	7003	\$100.00	\$7,944.98
08/26 21	10102453	0113.66330	1462	\$270.00	\$7,674.98
08/26 83	10839643	1508.70442	1464	\$130.00	\$7,544.98
08/26 84	09956267	1324.65845	1464	\$130.00	\$7,414.98
08/30 17	10462407	1201.67531	2402	\$250.00	\$7,164.98
08/30 1435	2334367	0915.64056	7205	\$100.00	\$7,064.98
08/30 1436	2334367	0915.64056	7208	\$200.00	\$6,864.98
08/31 1	60606040	0212.69909	8007	\$20.00	\$6,844.98
08/31 22	78395094	0437.73858	7003	\$100.00	\$6,744.98

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$9,519.98	\$14,495.00	\$11,720.00	\$6,744.98

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 11, 2007

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606
US

Dear Sir/Madam,

Your refund request for 10525191 in the amount of \$200.00 has been denied .

Filed on (02-22-05) before (07-01-05) No Search Report to this date rule changed July 01, 2005. The charge was proper No refund due. sa

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita White", is written over the word "Sincerely,".

RITA WHITE
PCT - National
703 308-9140 x231